

From the INTERNATIONAL BUREAU

**PCT**

NOTIFICATION OF TRANSMITTAL  
OF COPIES OF TRANSLATION  
OF THE INTERNATIONAL PRELIMINARY REPORT  
ON PATENTABILITY  
(CHAPTER I OR CHAPTER II  
OF THE PATENT COOPERATION TREATY)  
(PCT Rules 44bis.3(c) and 72.2)

To:

ENOMOTO, Masayuki  
c/o Sumitomo Chemical Intellectual Property Service, Limited  
5-33, Kitahama 4-chome  
Chuo-ku, Osaka-shi  
Osaka 5418550  
JAPON

Date of mailing (day/month/year)

31 August 2006 (31.08.2006)

Applicant's or agent's file reference

S10895WO01

**IMPORTANT NOTIFICATION**

International application No.

PCT/JP2004/019668

International filing date (day/month/year)

21 December 2004 (21.12.2004)

Applicant

SUMITOMO CHEMICAL COMPANY, LIMITED et al

**1. Transmittal of the translation to the applicant.**

The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter I).



The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter II).

**2. Transmittal of the copy of the translation to the designated or elected Offices.**

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following designated or elected Offices requiring such translation:

None

The following designated or elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

AE, AG, AL, AM, AP, AT, AU, AZ, BA, BB, BG, BR, BW, BY, BZ, CA, CH, CN, CO, CR, CU, CZ, DE, DK, DM, DZ, EA, EC, EE, EG, EP, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, MZ, NA, NI, NO, NZ, OA, OM, PG, PH, PL, PT, RO, RU, SC, SD, SE, SG, SK, SL, SM, SY, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, YU, ZA, ZM, ZW

**3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).**

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability (Chapter II).

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned within the applicable time limit (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

The International Bureau of WIPO  
34, chemin des Colombettes  
1211 Geneva 20, Switzerland

Facsimile No. +41 22 338 82 70

Authorized officer

Masashi Honda

Facsimile No. +41 22 338 82 70

# PATENT COOPERATION TREATY

# PCT

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference S10895WO01	<b>FOR FURTHER ACTION</b>	See item 4 below
International application No. PCT/JP2004/019668	International filing date ( <i>day/month/year</i> ) 21 December 2004 (21.12.2004)	Priority date ( <i>day/month/year</i> ) 22 December 2003 (22.12.2003)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant SUMITOMO CHEMICAL COMPANY, LIMITED		

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).

2. This REPORT consists of a total of 4 sheets, including this cover sheet.

In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

- |                                     |              |   |
|-------------------------------------|--------------|---|
| <input checked="" type="checkbox"/> | Box No. I    | Basis of the report   |
| <input type="checkbox"/>            | Box No. II   | Priority  |
| <input type="checkbox"/>            | Box No. III  | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability  |
| <input type="checkbox"/>            | Box No. IV   | Lack of unity of invention  |
| <input checked="" type="checkbox"/> | Box No. V    | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/>            | Box No. VI   | Certain documents cited   |
| <input type="checkbox"/>            | Box No. VII  | Certain defects in the international application  |
| <input type="checkbox"/>            | Box No. VIII | Certain observations on the international application   |

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland  Facsimile No. +41 22 338 82 70	Date of issuance of this report 22 August 2006 (22.08.2006)  Authorized officer  <div style="text-align: center; font-weight: bold; font-size: 1.2em;">Masashi Honda</div>  e-mail: pt08@wipo.int
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# PATENT COOPERATION TREATY

TRANSLATION

PCT

From the  
INTERNATIONAL SEARCHING AUTHORITY

To:

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:		Date of mailing (day/month/year)
Applicant's or agent's file reference <b>S10895WO01</b>		FOR FURTHER ACTION See paragraph 2 below
International application No. <b>PCT/JP2004/019668</b>	International filing date (day/month/year) <b>21.12.2004</b>	Priority date (day/month/year) <b>22.12.2003</b>
International Patent Classification (IPC) or both national classification and IPC		
Applicant <b>SUMITOMO CHEMICAL COMPANY, LIMITED</b>		

**1. This opinion contains indications relating to the following items:**

- ☒ Box No. I      Basis of the opinion
- ☐ Box No. II      Priority
- ☐ Box No. III      Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV      Lack of unity of invention
- ☒ Box No. V      Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI      Certain documents cited
- ☐ Box No. VII      Certain defects in the international application
- ☐ Box No. VIII      Certain observations on the international application

**2. FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

**3. For further details, see notes to Form PCT/ISA/220.**

Name and mailing address of the ISA/JP	Authorized officer
Facsimile No.	Telephone No.

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/JP2004/019668

Box No. 1      Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This opinion has been established on the basis of a translation from the original language into the following language  
\_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).

2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

☐ a sequence listing

☐ table(s) related to the sequence listing

b. format of material

☐ in written format

☐ in computer readable form

c. time of filing/furnishing

☐ contained in the international application as filed.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/JP2004/019668

Box No. V	Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1. Statement			
Novelty (N)	Claims	<u>1-8</u>	YES
	Claims	_____	NO
Inventive step (IS)	Claims	_____	YES
	Claims	<u>1-8</u>	NO
Industrial applicability (IA)	Claims	<u>1-8</u>	YES
	Claims	_____	NO
2. Citations and explanations:			
<p>Document 1: Richard T. Brown et al., "A Short Effective Preparation of Chiral N, 3-dimethyl-5, 7-dioxo-2-phenylhexahydro-1, 4-oxazepines", Synthetic Communications, 1988, Vol. 18, No. 15, P1801-6</p> <p>Document 2: Avi Weissberg et al., "Direct Conversion of Esters to Hydroxy amides on Solid Support – a Key Step en route to Bisoxazolin-e Ligands", Synlett, 2002, No. 2, pages 247 to 250</p> <p>Document 3: JP 9-255668 A (Sumitomo Chemical Co., Ltd.) 30 September 1997 (Family: none)</p> <p>Document 4: JP 8-109158 A (Degussa AG.) 30 April 1996 &amp; EP 692538 A2 &amp; DE 4425068 A1</p> <p>Document 5: JP 5-221935 A (Kao Corp.) 31 August 1993 (Family: none)</p> <p>Document 6: JP 6-199747 A (Sumika Fine Chemicals Co., Ltd.) 19 July 1994 (Family: none)</p> <p style="margin-left: 40px;">Documents 1-6 are all cited in the ISR.</p> <p>Claims 1-7</p> <p style="margin-left: 40px;">Documents 1 and 2 describe production methods for an optically active bisamido alcohol by reacting an optically active amino alcohol with a diester in the presence of lithium hydroxide or lithium hydride.</p> <p style="margin-left: 40px;">Furthermore, document 3 describes the same bisamido alcohol as the compound represented by Formula (3) of claim 1, and no particularly outstanding difficulty can be found in the fact that a party skilled in the art arrives at the application of the production methods for the similar compounds described in documents 1 and 2 upon producing the compound described in document 3.</p> <p>Claim 8</p> <p style="margin-left: 40px;">Documents 4-6 describe production methods for an optically active amino alcohol by reacting an optically active amino acid, or the ester thereof with a boron hydride compound, and no particularly outstanding difficulty can be found in the fact that a party skilled in the art conceives of the invention, which is achieved by applying the compound produced by the methods described in documents 4-6 to the raw material compound in the production methods described in claims 1-7 mentioned above.</p>			